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# UNITED NATIONS DECADE OF INTERNATIONAL LAW

## Report of the Sixth Committee

Rapporteur: Mr. Wael Kamal ABOULMAGD (Egypt)

## I. INTRODUCTION

1. The item entitled "United Nations Decade of International Law" was included in the provisional agenda of the forty-seventh session of the General Assembly pursuant to paragraph 9 of Assembly resolution 46/53 of 9 December 1991.

2. At its 3rd plenary meeting, on 18 September 1992, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Secretary-General, 1/ which was introduced by the Under-Secretary-General, the Legal Counsel, at its 7th meeting, on 28 September 1992.

4. The following documents were also circulated under this item:

(a) Letter dated 23 December 1991 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General (A/47/67);

(b) Letter dated 27 December 1991 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General (A/47/60-S/23329);

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1/ A/47/384 and Add.1.

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(c) Letter dated 30 July 1992 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General (A/47/356-S/24367);

(d) Note verbale dated 6 October 1992 from the Permanent Representative of China to the United Nations addressed to the Secretary-General (A/C.6/47/6).

5. The General Assembly, in paragraph 1 of its resolution 46/53, requested the Working Group on the United Nations Decade of International Law to continue its work at the forty-seventh session in accordance with its mandate and methods of work. Pursuant to that resolution, the Sixth Committee, at its 2nd meeting, on 18 September 1992, decided to reconvene the Working Group and elected Mr. Alfonso María Dastis (Spain) Chairman of the Working Group. The Working Group held 14 meetings between 28 September and 6 November 1992.

6. At the 34th meeting of the Sixth Committee, on 13 November 1992, the Chairman of the Working Group introduced the report of the Working Group (A/C.6/47/L.12).

7. The Sixth Committee considered the item, as well as the report of the Working Group, at its 34th to 37th meetings, on 13, 16, 17 and 19 November 1992. The summary records of those meetings are contained in documents A/C.6/47/SR.34-37.

## II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/47/L.16

8. At the 37th meeting, on 19 November, the Chairman of the Working Group introduced a draft resolution entitled "United Nations Decade of International Law" (A/C.6/47/L.16) sponsored by: Algeria, Argentina, Australia, Austria, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cyprus, Czechoslovakia, Denmark, Ecuador, Egypt, Finland, Ghana, Greece, Guatemala, Guinea, Hungary, Iran (Islamic Republic of), Ireland, Jordan, Madagascar, Malaysia, Malta, Mexico, Morocco, the Netherlands, New Zealand, Nigeria, Norway, Poland, the Republic of Moldova, Romania, the Russian Federation, Senegal, Singapore, Spain, Sweden, Thailand, Trinidad and Tobago, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Viet Nam, later joined by Belarus, Belgium, Bulgaria, Cameroon, Ethiopia, France, Germany, India, Indonesia, Italy, Japan, Mauritania, Mongolia, Pakistan, the Republic of Korea and the United Republic of Tanzania.

9. At the same meeting, the Committee adopted draft resolution A/C.6/47/L.16 without a vote (see para. 10).

## III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989 by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Recalling further its resolution 45/40 of 28 November 1990, to which was annexed the programme for the activities to be commenced during the first term (1990-1992) of the United Nations Decade of International Law,

Expressing its appreciation for the report of the Secretary-General on the United Nations Decade of International Law, 2/ submitted pursuant to resolution 46/53 of 9 December 1991,

Recalling that the Sixth Committee established at the forty-fifth session the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

Noting that the Sixth Committee reconvened the Working Group at the forty-sixth and the forty-seventh sessions to continue its work in accordance with resolutions 45/40 and 46/53,

Having considered the report of the Working Group to the Sixth Committee submitted to that end, 3/

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2/ A/47/384 and Add.1.

3/ A/C.6/47/L.12.

1. Expresses its appreciation to the Sixth Committee for the elaboration, within the framework of its Working Group on the United Nations Decade of International Law, of the programme for the activities to be commenced during the second term (1993-1994) of the United Nations Decade of International Law, and requests the Working Group to continue its work at the forty-eighth session in accordance with its mandate and methods of work;

2. Also expresses its appreciation to States and international organizations and institutions that have undertaken activities in implementation of the programme for the first term (1990-1992) of the Decade, including sponsoring conferences on various subjects of international law;

3. Adopts the programme for the second term (1993-1994) of the Decade as an integral part of the present resolution, to which it is annexed;

4. Invites all States and international organizations and institutions referred to in the programme to undertake the relevant activities outlined therein and, as appropriate, to submit to the Secretary-General interim or final reports for transmission to the General Assembly at its forty-eighth session or, at the latest, its forty-ninth session;

5. Requests the Secretary-General to submit, on the basis of such information, a report to the General Assembly at its forty-eighth session on the implementation of the programme;

6. Also requests the Secretary-General to supplement his report, as appropriate, with new information on the activities of the United Nations relevant to the progressive development of international law and its codification and to submit it to the General Assembly on an annual basis;

7. Further requests the Secretary-General to submit to the General Assembly at its forty-eighth session a report containing the plan referred to in section V, paragraph 3, of the programme for the second term of the Decade;

8. Encourages States to disseminate, as appropriate, information contained in the report of the Secretary-General at the national level;

9. Appeals to States, international organizations and non-governmental organizations working in this field and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

10. Requests the Secretary-General to bring to the attention of States and international organizations and institutions working in the field of international law the programme annexed to the present resolution;

11. Decides to include in the provisional agenda of its forty-eighth session the item entitled "United Nations Decade of International Law".

Annex

PROGRAMME FOR THE ACTIVITIES FOR THE SECOND TERM (1993-1994) OF THE UNITED NATIONS DECADE OF INTERNATIONAL LAW

## I. PROMOTION OF THE ACCEPTANCE OF AND RESPECT FOR THE PRINCIPLES OF INTERNATIONAL LAW

1. The General Assembly, bearing in mind that maintenance of international peace and security is the underlying condition for the success of the implementation of the programme for the United Nations Decade of International Law, calls upon States to act in accordance with international law, and particularly the Charter of the United Nations, and encourages States and international organizations to promote the acceptance of and respect for the principles of international law.

2. States are invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded are invited to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties, and if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties which have not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

3. States and international organizations are encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of multilateral treaties, in accordance with their national legal systems.

4. States are encouraged to report to the Secretary-General on ways and means provided for in the multilateral treaties to which they are parties, regarding the implementation of such treaties. International organizations are similarly encouraged to report to the Secretary-General on ways and means provided for by the multilateral treaties concluded under their auspices, regarding the implementation of such treaties. The Secretary-General is requested to prepare a report on the basis of this information and to submit it to the General Assembly.

## II. PROMOTION OF MEANS AND METHODS FOR THE PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES, INCLUDING RESORT TO AND FULL RESPECT FOR THE INTERNATIONAL COURT OF JUSTICE

1. States, the United Nations system of organizations and regional organizations, including the Asian-African Legal Consultative Committee, as well as the International Law Association, the Institute of International Law, the Hispano-Luso-American Institute of International Law and other international institutions working in the field of international law, and national societies of international law, are invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

2. Taking into account the above-mentioned suggestions and with due regard to the recommendations contained in the report of the Secretary-General entitled "An Agenda for Peace", 4/ the Sixth Committee should consider, where appropriate on the basis of a report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, or of the Working Group on the United Nations Decade of International Law, the following questions:

(a) Strengthening the use of means and methods for the peaceful settlement of disputes, with particular attention to the role to be played by the United Nations, as well as methods for early identification and prevention of disputes and their containment;

(b) Procedures for the peaceful settlement of disputes arising in specific areas of international law;

(c) Ways and means of encouraging greater recognition of the role of the International Court of Justice and its wider use in the peaceful settlement of disputes;

(d) Enhancement of cooperation of regional organizations with the United Nations system of organizations in respect of the peaceful settlement of disputes;

(e) Wider use of the Permanent Court of Arbitration.

## III. ENCOURAGEMENT OF THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

1. International organizations, including the United Nations system of organizations and regional organizations, are invited to submit to the Secretary-General of the United Nations summary information regarding the

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4/ A/47/277-S/24111.

programme and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General is requested to prepare a report on the relevent activities of the United Nations, including those of the International Law Commission. Such information should be presented in a report by the Secretary-General to the Sixth Committee.

2. On the basis of the information mentioned in paragraph 1 of the present section, States are invited to submit suggestions for consideration by the Sixth Committee and, as appropriate, recommendations. In particular, efforts should be made to identify areas of international law which might be ripe for progressive development or codification.

3. The Sixth Committee should study, taking into account General Assembly resolution 684 (VII) of 6 November 1952 (annex II to the rules of procedure of the General Assembly 5/), its coordinating role with respect, inter alia, to the drafting of provisions of a legal nature and the consistent use of legal terminology in international instruments adopted by the General Assembly. States are invited to present proposals in this regard to the Sixth Committee.

4. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should continue to study possible measures to strengthen the United Nations system for the maintenance of international peace and security. In that context, the Special Committee should take note of the Secretary-General's report entitled "An Agenda for Peace" in the light of the debate within the United Nations, particularly within the General Assembly.

## IV. ENCOURAGEMENT OF THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

1. The Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law should, in the context of the Decade, continue to formulate, as appropriate and in a timely manner, relevant guidelines for the Programme's activities and report to the Sixth Committee on the activities carried out under the Programme in accordance with such guidelines. Special emphasis should be given to supporting academic and professional institutions already carrying out research and education in international law, as well as to encouraging the establishment of such institutions where they might not exist, particularly in the developing countries. States and other public or private bodies are encouraged to contribute to the strengthening of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

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5/ A/520/Rev.15.

2. States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Cooperation between institutions at the university level amongst developing countries, on the one hand, and their cooperation with those of developed countries on the other, should be encouraged.

3. States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

4. States, the United Nations system of organizations and regional organizations should consider organizing seminars, symposia, training courses, lectures and meetings and undertaking studies on various aspects of international law.

5. States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries as well as military personnel. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, the Hague Academy of International Law, regional organizations and the International Committee of the Red Cross are invited to continue cooperating in this respect with States.

6. Cooperation among developing countries, as well as between developed and developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, is encouraged.

7. In order to make better known the practice of international law, States and international and regional organizations should endeavour to publish, if they have not done so, summaries, repertories or yearbooks of their practice.

8. States and international organizations should encourage the publication of important international legal instruments and studies by highly qualified publicists, bearing in mind the possibility of assistance from private sources.

9. Other international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, are invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

10. International organizations are requested to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Treaty Series is encouraged and efforts directed towards adopting an electronic form of publication should be continued. Timely publication of the United Nations Juridical Yearbook is also encouraged.

## V. PROCEDURES AND ORGANIZATIONAL ASPECTS

1. The Sixth Committee, working primarily through its Working Group and with the assistance of the Secretariat, will be the coordinating body of the programme for the United Nations Decade of International Law. The question of the use of an intra-sessional, inter-sessional or existing body to carry out specific activities of the programme may be considered by the General Assembly.

2. The Sixth Committee is requested to continue to prepare the programme of activities for the Decade.

3. The Secretariat, on the basis of informal consultations with the members of the Sixth Committee, should draw up a preliminary operational plan for a possible United Nations congress on public international law, based on the proposal that the congress be held in 1994 or 1995, and within existing resources and assisted by voluntary contributions, and submit it to the Sixth Committee for consideration by general agreement at the forty-eighth session of the General Assembly.

4. All organizations and institutions referred to and invited to submit reports to the Secretary-General under sections I to IV above are requested to submit interim or final reports preferably at the forty-eighth session but not later than the forty-ninth session of the General Assembly.

5. States are encouraged to establish, as necessary, national, subregional and regional committees which may assist in the implementation of the programme for the Decade. Non-governmental organizations are encouraged to promote the purposes of the Decade within the fields of their activities, as appropriate.

6. It is recognized that, within the existing overall level of appropriations, adequate financing for the implementation of the programme for the Decade is necessary and should be provided. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and are strongly encouraged. To this end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

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# REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-FOURTH SESSION

## Report of the Sixth Committee

Rapporteur: Mr. Wael Kamal ABOULMAGD (Egypt)

## I. INTRODUCTION

1. At its 3rd plenary meeting, on 18 September 1992, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Report of the International Law Commission on the work of its forty-fourth session" and to allocate it to the Sixth Committee.

2. In connection with the item, the Sixth Committee had before it the following documents:

(a) Report of the International Law Commission on the work of its forty-fourth session; 1/

(b) Note verbale dated 19 February 1992 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General transmitting the document entitled "International responsibility of the State for wrongful acts (a historical and critical study)" (A/47/95);

(c) Letter dated 14 September 1992 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General transmitting the text of the statement issued by the Ministerial Council of the Gulf

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1/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 10 (A/47/10).

Cooperation Council at its forty-fourth session, held at Jeddah on 8 and 9 September 1992 (A/47/441-S/24559);

(d) Letter dated 15 September 1992 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General transmitting the text of a statement issued by the Ministers for Foreign Affairs of the Damascus Declaration countries at their sixth meeting, held at Doha on 9 and 10 September 1992 (A/47/449-S/24566).

3. The Sixth Committee considered the item at its 20th to 30th meetings, held from 26 October to 6 November, and at its 35th meeting, on 16 November 1992. The summary records of those meetings (A/C.6/47/SR.20-30 and 35) contain the views of the representatives who spoke during the consideration of the item.

4. At the 20th meeting, on 26 October, Mr. Christian Tomuschat, Chairman of the International Law Commission at its forty-fourth session, introduced the Commission's report on the work of that session. At the 30th meeting, on 6 November, the Chairman of the Commission made a closing statement.

## II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/47/L.14

5. At the 35th meeting, on 16 November, the Chairman of the Sixth Committee introduced a draft resolution entitled "Report of the International Law Commission on the work of its forty-fourth session" (A/C.6/47/L.14).

6. At the same meeting, the Committee adopted draft resolution A/C.6/47/L.14 without a vote (see para. 8).

7. The representatives of Guinea (on behalf of the African Group in the Sixth Committee), Israel, Cuba, the United States of America, Australia, Iran (Islamic Republic of), Sierra Leone, Pakistan, Canada, India, China and the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Community and its 12 member States) made statements in explanation of position after the Committee adopted the draft resolution.

## III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the International Law Commission on the work of its forty-fourth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-fourth session, 2/

Emphasizing the need for the progressive development of international law and its codification in order to make it a more effective means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations 3/ and to give increased importance to its role in relations among States,

Recognizing the importance of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Recognizing the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Taking note with appreciation of the sections of the report of the International Law Commission concerning the question of the possible establishment of an international criminal jurisdiction 4/ and noting the debate in the Sixth Committee pertaining to this question, 5/

Considering that experience has demonstrated the usefulness of structuring the debate on the report of the International Law Commission in

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2/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 10 (A/47/10).

3/ Resolution 2625 (XXV), annex.

4/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 10 (A/47/10), chap. II and annex.

5/ A/C.6/47/SR.20-25, 28-30 and 35.

the Sixth Committee in such a manner that conditions are provided for concentrated attention on each of the main topics dealt with in the report, and that this process is facilitated when the Commission indicates specific issues on which expressions of views by Governments are of particular interest for the continuation of its work,

1. Takes note of the report of the International Law Commission on the work of its forty-fourth session; 2/

2. Expresses its appreciation to the International Law Commission for the work accomplished at that session;

3. Recommends that, taking into account the comments of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme;

4. Takes note with appreciation of chapter II of the report of the International Law Commission, entitled "Draft Code of Crimes against the Peace and Security of Mankind", which was devoted to the question of the possible establishment of an international criminal jurisdiction;

5. Invites States to submit to the Secretary-General, if possible before the forty-fifth session of the Commission, written comments on the report of the Working Group on the question of an international criminal jurisdiction; 6/

6. Requests the International Law Commission to continue its work on this question by undertaking the project for the elaboration of a draft statute for an international criminal court as a matter of priority as from its next session, beginning with the examination of the issues identified in the report of the Working Group and in the debate in the Sixth Committee with a view to drafting a statute on the basis of the report of the Working Group, taking into account the views expressed during the debate in the Sixth Committee as well as any written comments received from States, and to submit a progress report to the General Assembly at its forty-eighth session;

7. Endorses the decision of the International Law Commission not to pursue further, during the present term of office of its members, the consideration of the second part of the topic "Relations between States and international organizations";

8. Expresses its appreciation for the efforts of the International Law Commission to improve its procedures and methods of work;

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6/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 10 (A/47/10), annex.

9. Requests the International Law Commission:

(a) To consider thoroughly:

(i) The planning of its activities and programme for the term of office of its members, bearing in mind the desirability of achieving as much progress as possible in the preparation of draft articles on specific topics;

(ii) Its methods of work in all their aspects, bearing in mind that the staggering of the consideration of some topics might contribute, inter alia, to a more effective consideration of its report in the Sixth Committee;

(b) To continue to pay special attention to indicating in its annual report, for each topic, those specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest for the continuation of its work;

10. Takes note of the comments of the International Law Commission on the question of the duration of its session, as presented in paragraph 377 of its report, 2/ and expresses the view that the requirements of the work for the progressive development of international law and its codification and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions be maintained;

11. Reaffirms its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

12. Again draws the attention of Governments to the importance, for the International Law Commission, of having their views on the draft articles on the law of the non-navigational uses of international watercourses and on the draft Code of Crimes against the Peace and Security of Mankind, adopted on first reading by the Commission, and urges them to present in writing their comments and observations by 1 January 1993, as requested by the Commission;

13. Once again expresses the wish that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and expresses the hope that every effort will continue to be made by the Secretary-General, within existing resources, to provide the seminars with adequate services, including interpretation, as required;

14. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the forty-seventh session of the General Assembly, together with

such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate;

15. Recommends the continuation of efforts to improve the ways in which the report of the International Law Commission is considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work;

16. Also recommends that the debate on the report of the International Law Commission at the forty-eighth session of the General Assembly commence on 25 October 1993.

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